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Philmore H. Colburn II Cantor Colburn LLP 55 Griffin Road South Bloomfield, CT 06002			EXAMINER RUDY, ANDREW J	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/751,585  
Filing Date: December 29, 2000  
Appellant(s): LAMBERT ET AL.

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Marisa J. Duboc  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the Appeal Brief filed October 18, 2006 and Reply Brief filed August 6, 2007 appealing from the Office action mailed March 30, 2004.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,109,337	Ferriter et al.	4-1992
5,765,138	Aycock	6-1998
6,493,685	Ensel et al.	12-2002
6,813,777	Weinberger et al.	11-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 40, 45-50, 57-62, and 67-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferriter et al in view of Ensel et al.

Ferriter et al disclose a system and method for facilitating parts qualification functions in a communications network comprising creating a commodity template for a commodity associated with a supplier part (see Abstract) comprising entering requirements data for qualifying the commodity (see col. 4, lines 11-43); selecting a parts database (10) for storing the requirements database; and assigning a default viewing tool for qualifying the commodity based upon the database selected (see Figures 2-4).

Ferriter et al do not disclose a technology survey database, a quality information network database, an archive database, or a systems database. However, such

databases are common in the art, and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ such databases for storing requirements data, because they would be logical repositories for such information.

Ferriter et al do not teach the step of sharing information with multiple databases. Ensel et al teach the step of sharing data among multiple databases (see Fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ensel with the invention of Ferriter et al to share data between databases to disseminate data to various entities.

Ferriter et al do not teach the step of establishing access restrictions. However, access restrictions are common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ access restrictions to prevent unauthorized users from viewing the data.

Regarding claim 45, Ferriter et al teach a parts index relating part numbers established by an enterprise qualifying a supplier part to part numbers used by a supplier being qualified (see, for example, Fig. 4).

Regarding claims 46-49, 57-61, and 67-71, Ferriter et al do not teach the claimed data stored in the databases. However, the claimed data stored in the databases does not perform a function in the method for facilitating part qualification. Therefore, these differences are only found in the nonfunctional descriptive material and do not alter the method of facilitating part qualification. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32

F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the data claimed in claims 46-49, 57-61, and 67-71, because such nonfunctional data does not patentably distinguish the claimed invention.

Claims 41-44, 51-56, and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferriter et al and Ensel et al as applied to claims 40, 50, and 62 above, and further in view of Aycock et al.

Ferriter et al and Ensel et al teach all of the limitations as explained in the previous paragraphs of this Office Action. Neither Ferriter et al nor Ensel et al teach a plan framework comprising a plurality of tasks, entities responsible for the tasks, or due dates.

Aycock et al teach a method of qualifying parts comprising the steps of selecting entities to perform the tasks of providing parts based on maturity requirements (see columns 6 and 7). It is inherent that the maturity requirements include due dates. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Aycock et al with the combination of Ferriter et al and Ensel et al to select a supplier that can meet the users needs.

Neither Ferriter et al nor Ensel et al teach the step of updating the qualification plan. Aycock et al teach the step of updating the part qualification plan with data specific to the supplier part (see col. 5, lines 44 through col. 6, line 36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

employ the teachings of Aycock et al with the combination of Ferriter et al and Ensel et al to allow users to make adjustments to their needs.

Neither Ferriter et al, Ensel et al, nor Aycock et al teach the use of a status box. However, status boxes are common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a status box to indicate approval status to users.

#### **(9a) New Grounds of Rejection**

Claims 41-44, 51-56, and 63-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferriter et al and Ensel et al as applied to claims 40, 50, and 62 above, and further in view of Aycock et al. and further in view of Weinberger et al.

Again, neither Ferriter et al, Ensel et al, nor Aycock et al teach the use of a status box. However, status boxes are common in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a status box to indicate approval status to users. Weinberger et al discloses such common knowledge. To have provided such for Ferriter et al, Ensel et al, nor Aycock et al would have been obvious to one of ordinary skill in the art in view of this common knowledge and/or Weinberger et al.

#### **(10) Response to Argument**

Applicant's October 18, 2003 Appeal Brief and August 6, 2007 Reply Brief are noted. Upon review of Appellant's Brief the following is added. It is noted that Appellant's method claims does not use or manipulate any of the list of databases

claimed. In short, the method for facilitating part qualification functions does not require the list of databases. *Great Atlantic & Pacific Tea Co. V. Supermarket Equipment Corp.*, 1950, 340 US 147, 71 S.Ct. 127, 95 L.Ed. 162. "The mere aggregation of a number of old parts or elements which, in the aggregation, perform or produce no new or different function or operation than that theretofore performed or produced by them, is not patentable invention." *Lincoln Engineering Co. V. Stewart Warner Corp.*, 1938, 303 US 545, 549, 58 S.Ct. 662, 664, 82 L.Ed. 1008. "As to the rejection of the claims on the prior art references, we do not agree with the appellant that such structural limitations as are not disclosed by the references should be given patentable weight. This argument is applicable to claims drawn to structure and not claims drawn to a method. To be entitled to such weight in method claims, the recited structural limitations therein must affect the method in a manipulative sense and not to amount to the mere claiming of a use of a particular structure, which, in our opinion, is the case here." *Ex parte Pfeiffer*, 135 USPQ 31 (BdPatApp&Int 1961).

The Official Notice traversal is acknowledged. *Weinberger*, US 6,813,77, is added as it discloses each of the various databases claimed by Appellant. It is the Examiner's position that each of these databases have been common knowledge in the art, as evidenced by *Weinberger*.

For the above reasons, it is believed that the rejections should be sustained.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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